

REFERENCE TITLE: psychotropic drugs; testing; informed consent

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1477**

Introduced by  
Senators Gray: Harper, Johnson

### AN ACT

AMENDING TITLE 35, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 35-196.05; RELATING TO FISCAL PROCEDURES, CONTROLS AND REPORTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 35, chapter 1, article 5, Arizona Revised Statutes,  
3 is amended by adding section 35-196.05, to read:

4       35-196.05. Use of public monies for research into psychotropic  
5                   drugs: informed consent: reports definition

6       A. NOTWITHSTANDING ANY OTHER LAW, A STATE FUNDED INSTITUTION OR AGENCY  
7 SHALL NOT TEST A PSYCHOTROPIC DRUG ON ANY PERSON WITHOUT THE VOLUNTARY AND  
8 INFORMED WRITTEN CONSENT OF THAT PERSON WHO VOLUNTEERS FOR THE TEST. CONSENT  
9 TO THE TESTING IS VOLUNTARY AND INFORMED ONLY IF ALL OF THE FOLLOWING ARE  
10 TRUE:

11      1. AT LEAST TWENTY-FOUR HOURS BEFORE THE DRUG IS FIRST ADMINISTERED, A  
12 PHYSICIAN HAS PROVIDED THE FOLLOWING INFORMATION TO THE VOLUNTEER IN WRITING:

13       (a) THE PURPOSE AND DURATION OF THE TEST.

14       (b) THE NAME OF THE PSYCHOTROPIC DRUG TO BE TESTED AND THE RISKS AND  
15 POTENTIAL SIDE EFFECTS ASSOCIATED WITH THAT DRUG AS THEY ARE CURRENTLY KNOWN  
16 BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

17       (c) THE EXISTENCE OF NONDRUG ALTERNATIVE TREATMENTS AND INFORMATION ON  
18 ALLERGIES, NUTRITIONAL DEFICIENCIES AND SENSITIVITY TO ENVIRONMENTAL  
19 POLLUTANTS THAT OFTEN PRODUCE THE SAME SYMPTOMS AS MENTAL ILLNESS.

20       (d) THAT AFTER THE TESTING HAS BEGUN, THE INSTITUTION MUST CONTINUE TO  
21 PROVIDE THE VOLUNTEER WITH UPDATED INFORMATION IN WRITING RELATING TO RISKS  
22 AND POTENTIAL SIDE EFFECTS AS THESE BECOME KNOWN BY THE UNITED STATES FOOD  
23 AND DRUG ADMINISTRATION. AFTER EACH UPDATE, THE VOLUNTEER MUST AGAIN SIGN  
24 THE CONSENT FORM.

25       (e) THAT THE INSTITUTION IS PROHIBITED FROM GIVING DIRECT OR IN-KIND  
26 PAYMENT OR COMPENSATION TO THE VOLUNTEER OR THE VOLUNTEER'S PARENT OR LEGAL  
27 GUARDIAN.

28       (f) THE AMOUNT OF ANY MONIES RECEIVED BY THE TESTING INSTITUTION OR  
29 AGENCY TO CONDUCT THE TEST AND THE NAME OF THAT FUNDING SOURCE.

30      2. THE VOLUNTEER CERTIFIES IN WRITING BEFORE THE FIRST DRUG IS  
31 ADMINISTERED THAT THE INFORMATION REQUIRED TO BE PROVIDED PURSUANT TO  
32 PARAGRAPH 1 HAS BEEN PROVIDED AND THAT THE VOLUNTEER UNDERSTANDS THE RISKS  
33 AND HAS HAD ALL QUESTIONS ANSWERED TO THE VOLUNTEER'S SATISFACTION.

34      3. IF THE VOLUNTEER IS UNDER EIGHTEEN YEARS OF AGE, THE VOLUNTEER'S  
35 PARENT OR LEGAL GUARDIAN CERTIFIES IN WRITING THAT THE INFORMATION REQUIRED  
36 TO BE PROVIDED PURSUANT TO PARAGRAPH 1 HAS ALSO BEEN PROVIDED TO THE  
37 VOLUNTEER'S PARENT OR LEGAL GUARDIAN AT THE SAME TIME.

38       B. THE TESTING INSTITUTION OR AGENCY MUST REPORT TO THE DEPARTMENT OF  
39 HEALTH SERVICES EACH ADVERSE SIDE EFFECT OF A DRUG IT ADMINISTERS PURSUANT TO  
40 THIS SECTION AND MAKE COMPLETE FINANCIAL DISCLOSURE RELATING TO MONEY  
41 RECEIVED AND THE SOURCE OF THE MONEY THAT IS USED TO CONDUCT THE TEST. THE  
42 DEPARTMENT OF HEALTH SERVICES SHALL ANNUALLY SUBMIT A REPORT OF ADVERSE SIDE  
43 EFFECTS DISCOVERED DURING THESE DRUG TRIALS TO THE GOVERNOR, THE PRESIDENT OF  
44 THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE  
45 A COPY OF EACH REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE

1 ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS. FAILURE TO FOLLOW THESE  
2 REQUIREMENTS SHALL RESULT IN A REDUCTION OF TEN PER CENT IN STATE FUNDING FOR  
3 THAT INSTITUTION FOR THE FIRST OFFENSE AND AN ADDITIONAL TEN PER CENT FOR  
4 EACH SUBSEQUENT OFFENSE.

5 C. FOR THE PURPOSES OF THIS SECTION, "PHYSICIAN" MEANS A PERSON WHO IS  
6 LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.